

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT FLUKER,

Petitioner,

Case No. 3:17-cv-00299-MMD-CLB

ORDER

v.

ISIDRO BACA, *et al.*

Respondents.

In accordance with Rule 7 of the Rules Governing Section 2254 Cases, and to facilitate the Court's review of the merits of the ineffective assistance of counsel claims filed by habeas petitioner, Robert Fluker, the Court orders:

14 1. Within 30 days after the entry of this order, Respondents will:

- a. manually file in the Reno Clerk's Office an exhibit, identified in sequence as Exhibit No. 114, consisting of original certified copies of four prior felony convictions in the same manner and in the same form as would have been required to support an adjudication that Petitioner was a habitual criminal under the Nevada law applicable at Petitioner's sentencing hearing on August 15, 2012 (see ECF No. 45 at 13);
 - b. designate and file as Exhibit 115, a photocopied version of the manually-filed exhibit requested in Paragraph 1(a); and/or
 - c. alternatively, file under the next available exhibit number, an affidavit or declaration executed by an individual with authority and knowledge, stating the circumstances under which Respondents are unable to file certified copies of all four prior felony convictions.

2. Petitioner is directed to admit or deny the correctness of the exhibits referenced in above Paragraphs 1(a)–(b) within 14 days after the filing of the exhibits.

4 The Court has made no definitive determination whether it will expand and
5 consider material beyond the existing state court record. This order is intended to facilitate
6 an efficient resolution of the issues in a timely manner. To the extent possible, the Court
7 seeks to conclude this matter by September 30, 2021. Requests for extensions of time
8 are strongly discouraged. As such, extensions of time needed due to scheduling conflicts
9 between this case and others filed in this District should be sought in the later-filed case,
10 absent extraordinary circumstances.

DATED THIS 1st Day of July 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE